

tered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so as to comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13135. Misbranding and alleged adulteration of tomato pulp. U. S. v. 48 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19494 to 19502, incl. I. S. No. 13801-v. S. No. E-4907.)**

On January 14, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of tomato pulp, at San Juan, P. R., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., on or about December 20, 1924, and transported from the State of California into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato pulp, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Pulp," appearing in the labeling, was false and misleading and tended to deceive and mislead the purchaser.

On January 31, 1925, Diego Augeros & Co. S. en C., San Juan, P. R., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered, condemning the product as misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13136. Adulteration and misbranding of canned tomatoes. U. S. v. 640 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19425, 19426, 19427, 19428. I. S. Nos. 16180-v, 16181-v, 16182-v, 16183-v. S. Nos. E-5075, E-5076, E-5077.)**

On December 26 and 30, 1924, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,448 cases of tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., in various consignments, namely, on or about October 23, 24, and 27, 1924, respectively, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee Bee Brand Tomatoes Quality First Packed by Davis Canning Co., Laurel, Del."

Adulteration of the article was alleged in the libels for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing statements, designs, and devices regarding the said article and the ingredients and substances contained therein which were false and misleading, in that the labels indicated to the purchaser that the packages contained tomatoes, when in fact they did not, the said article having been offered for sale under the distinctive name of another article.

On February 27, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,975, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*